



General Assembly

January Session, 2013

Amendment

LCO No. 7761

SB0105807761SR0

Offered by:

SEN. MCLACHLAN, 24th Dist.

To: Senate Bill No. 1058

File No. 492

Cal. No. 373

"AN ACT CONCERNING THE RETENTION OF UNUSED ABSENTEE BALLOTS."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 9-369b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2013*):

5 (a) (1) Except as provided in [subsection (b)] subdivision (2) of this
6 [section] subsection, any municipality may, by vote of its legislative
7 body, authorize the preparation and printing of concise explanatory
8 texts of local proposals or questions approved for submission to the
9 electors of a municipality at a referendum. In a municipality that has a
10 town meeting as its legislative body, the board of selectmen shall, by
11 majority vote, determine whether to authorize an explanatory text or
12 the dissemination of other neutral printed material. Thereafter, each
13 such explanatory text shall be prepared by the municipal clerk, subject
14 to the approval of the municipal attorney, and shall specify the intent
15 and purpose of each such proposal or question. Such text shall not

16 advocate either the approval or disapproval of the proposal or
17 question. The municipal clerk shall cause such question or proposal
18 and such explanatory text to be printed in sufficient supply for public
19 distribution and shall also provide for the printing of such
20 explanations of proposals or questions on posters of a size to be
21 determined by said clerk. At least three such posters shall be posted at
22 each polling place at which electors will be voting on such proposals or
23 questions. Any posters printed in excess of the number required by
24 this section to be posted may be displayed by said clerk at the clerk's
25 discretion at locations which are frequented by the public. The
26 explanatory text shall also be furnished to each absentee ballot
27 applicant pursuant to subsection (d) of section 9-140. [Except as
28 provided in subsection (d) of this section, no expenditure of state or
29 municipal funds shall be made to influence any person to vote for
30 approval or disapproval of any such proposal or question.] Any
31 municipality may, by vote of its legislative body and subject to the
32 approval of its municipal attorney, authorize the preparation and
33 printing of materials concerning any such proposal or question in
34 addition to the explanatory text if such materials do not advocate the
35 approval or disapproval of the proposal or question. [This subsection
36 shall not apply to a written, printed or typed summary of an official's
37 views on a proposal or question, which is prepared for any news
38 medium or which is not distributed with public funds to a member of
39 the public except upon request of such member.]

40 [(b)] (2) For any referendum called for by a regional school district,
41 the regional board of education shall authorize the preparation and
42 printing of concise explanatory texts of proposals or questions
43 approved for submission to the electors of a municipality at a
44 referendum. The regional school board of education's secretary shall
45 prepare each such explanatory text, subject to the approval of the
46 regional school board of education's counsel, and shall undertake any
47 other duty of a municipal clerk, as described in [subsection (a)]
48 subdivision (1) of this [section] subsection.

49 (3) For purposes of this subdivision, "community notification
50 system" means a communication system that is available to all
51 residents of a municipality and permits any resident to opt to be
52 notified by the municipality via electronic mail, text, telephone or other
53 electronic or automated means of community events or news. At the
54 direction of the chief elected official of a municipality, a municipality
55 that maintains a community notification system may use such system
56 to send a notice informing residents of an upcoming referendum to all
57 residents enrolled in such system. Such notice shall be limited to (A)
58 the time and location of such referendum, (B) a statement of the
59 question as it is to appear on the ballot at the referendum, and (C) if
60 applicable, the explanatory text approved in accordance with
61 subdivision (1) or (2) of this subsection. Any such notice shall not
62 advocate the approval or disapproval of the proposal or question or
63 attempt to influence or aid the success or defeat of the referendum.
64 Other than a notice authorized by this subdivision, no person may use
65 or authorize the use of municipal funds to send an unsolicited
66 communication to a group of residents regarding a referendum via
67 electronic mail, text, telephone or other electronic or automated means
68 for the purpose of reminding or encouraging such residents to vote in
69 a referendum, provided such prohibition shall not apply to a regularly
70 published newsletter or similar publication.

71 (4) Except as specifically authorized in this section, no expenditure
72 of state or municipal funds shall be made to influence any person to
73 vote for approval or disapproval of any such proposal or question or to
74 otherwise influence or aid the success or defeat of the referendum. The
75 provisions of this subdivision shall not apply to a written, printed or
76 typed summary of any official's views on a proposal or question,
77 which is prepared for any news medium or which is not distributed
78 with public funds to a member of the public except upon request of
79 such member.

80 [(c)] (b) The State Elections Enforcement Commission, after
81 providing an opportunity for a hearing in accordance with chapter 54,

82 may impose a civil penalty on any person who violates [subsection (a)
83 or (b) of] this section by authorizing an expenditure of state or
84 municipal funds for a purpose which is prohibited by [subsection (a)
85 of] this section. The amount of any such civil penalty shall not exceed
86 twice the amount of the improper expenditure or one thousand
87 dollars, whichever is greater. In the case of failure to pay any such
88 penalty imposed under this subsection within thirty days of written
89 notice sent by certified or registered mail to such person, the superior
90 court for the judicial district of Hartford, on application of the
91 commission, may issue an order requiring such person to pay the
92 penalty imposed. Notwithstanding the provisions of sections 5-141d,
93 7-101a and 7-465, any other provision of the general statutes, and any
94 provision of any special act or charter, no state or municipal officer or
95 employee shall be indemnified or reimbursed by the state or a
96 municipality for a civil penalty imposed under this subsection.

97 [(d)] (c) Any municipality may provide, by ordinance, for the
98 preparation and printing of concise summaries of arguments in favor
99 of, and arguments opposed to, local proposals or questions approved
100 for submission to the electors of a municipality at a referendum for
101 which explanatory texts are prepared under subsection (a) [or (b)] of
102 this section. Any such ordinance shall provide for the establishment or
103 designation of a committee to prepare such summaries, in accordance
104 with procedures set forth in said ordinance. The members of said
105 committee shall be representatives of various viewpoints concerning
106 such local proposals or questions. The committee shall provide an
107 opportunity for public comment on such summaries to the extent
108 practicable. Such summaries shall be approved by vote of the
109 legislative body of the municipality, or any other municipal body
110 designated by the ordinance, and shall be posted and distributed in the
111 same manner as explanatory texts under subsection (a) of this section.
112 Each summary shall contain language clearly stating that the printing
113 of the summary does not constitute an endorsement by or represent
114 the official position of the municipality."

This act shall take effect as follows and shall amend the following sections:		
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Sec. 501	<i>July 1, 2013</i>	9-369b
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